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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,869	08/07/2001	Sugio Makishima	0905-0266P	8515
2292 7590 07/09/2009 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER DULANEY, BENJAMIN O				
ART UNIT 2625		PAPER NUMBER		
NOTIFICATION DATE 07/09/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: SUGIO MAKISHIMA and HIROSHI IGARASHI

Application No. 09/922,869
Technology Center 2600

Mailed: July 8, 2009

Before KRISTA ZELE, *Deputy Chief Appeals Administrator*
ZELE, *Deputy Chief Appeals Administrator*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on July 24, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

AMENDMENT AFTER FINAL

A review of the file indicates that on June 14, 2007, Appellant filed an Amendment After Final in response to the Final Rejection mailed January 20, 2006. It is not clear whether this Amendment has been considered because an Advisory Action has not been mailed or because box 7 of an Advisory Action fails to indicate whether or not the proposed amendment will or will not be entered for purposes of appeal. Clarification from the Examiner is required.

CONCLUSION

Accordingly, it is ORDERED that the application is returned to the Examiner to:

- (1) appropriately respond to the Amendment After Final;
- (2) vacate the Examiner's Answer mailed September 18, 2007;
- (3) provide a new Examiner's Answer including a correct "Status of Amendment" section in addition to correction to other sections as required; and
- (4) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KZ/tc

BIRCH STEWART KOLASCH & BIRCH
P.O. BOX 747
FALLS CHURCH, VA 22040-0747